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HEADQUARTERS EIGHTH ARMY
United States Army
Office of the Staff Judge Advocate

Yokohama, Japan
25 April 1949

UNITED STATES OF AMERICA VS TOSHINORI ASAKA
UNITED STATES OF AMERICA VS KOICHI TAKAHASHI
UNITED STATES OF AMERICA VS TETSURO YOSHIO
UNITED STATES OF AMERICA VS TOKUJI YONEMURA
UNITED STATES OF AMERICA VS YUTAKA SAGAE

Review of the Staff Judge Advocate

1. The attached record of trial of the case of Toshinori Asaka, Koichi Takahashi, Tetsuro Yoshio, Tokuji Yonemura, and Yutaka Sagae tried at Yokohama, Japan, from 30 October 1946 to 21 March 1947 by a Military Commission appointed by paragraph 12, Special Orders No. 274, Headquarters Eighth Army, United States Army, United States Army, dated 29 October 1946, as amended by Special Orders No. 23, same headquarters, dated 28 January 1947, having been referred to the Staff Judge Advocate, this review thereof is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Toshinori Asaka
AGE 34
RESIDENCE: Unknown
MARITAL STATUS: Single
RELATIVES: Unknown
EDUCATION: 3 yrs Otaru Commercial College, majored in Economics
VOCATION: Clerk
MILITARY CAREER: Inducted into Army April 1938; sent overseas to China April 1939; returned to Japan September 1940; 14 mos in army hospital; discharged from army August 1941. Reinducted March 1944.

DATE OF CONFINEMENT: 21 November 1945
DATE OF ARRAIGNMENT: 30 October 1946
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 30 October 1946 - 21 March 1947
DATE OF SENTENCE: 21 March 1947
SENTENCE: CHL for twelve (12) yrs
CLEMENCY RECOMMENDED BY COMMISSION: No

NAME: Koichi Takahashi
AGE: 23
RESIDENCE: Iwate-ken, Isashi-gun, Iwaya-docho, Aza, Muika-machi, 99 Banchi
MARITAL STATUS: Unknown
RELATIVES: Unknown
EDUCATION: 1 yr at Wasedo University, majored in English
VOCATION: Student
MILITARY CAREER: Inducted into Army December 1943, stationed at Camp No. 6, Hanawa, Sendai, 15 September 1944 - 3 October 1945.

DATE OF CONFINEMENT: 15 December 1945
DATE OF ARRAIGNMENT: 30 October 1946
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 30 October 1946 - 21 March 1947
DATE OF SENTENCE: 21 March 1947
SENTENCE: CHL for one (1) yr
CLEMENCY RECOMMENDED BY COMMISSION: No

NAME: Tetsuro Yoshio
AGE: 29
RESIDENCE: Akita-ken, Kajino-gun, Osarizawa Machi-Karuzawa, 23-5 c/o Kazuo Tamura

DATE OF CONFINEMENT: 27 January 1946
DATE OF ARRAIGNMENT: 30 October 1946
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 30 October 1946 - 21 March 1947

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MARITAL STATUS: Married
RELATIVES: 1 child, 1 brother
EDUCATION: 2 yrs middle school
VOCATION: Prefecture medical supply handler
MILITARY CAREER: Inducted into Army 1940; stationed at Aomori 1 yr and in Manchuria 2 yrs; discharged in Manchuria May 1943. Reinducted as Cpl and served at Hirosaki Army Hospital 4 yrs; Prisoner of War Camp #6, Hanawa, Sendai, 14 September 1944 - 22 March 1945; Army Corps at Hirosaki till the end of War.

DATE OF SENTENCE: 21 March 1947
SENTENCE: CHL for fifteen (15) yrs
CLEMENCY RECOMMENDED BY COMMISSION: No

NAME: Tokuji Yonemura
AGE: 29
RESIDENCE: #55 Shimbari Osorigawa, Kojimo-gun, Akita, Honshu
MARITAL STATUS: Married
RELATIVES: 1 daughter
EDUCATION: Unknown
VOCATION: Mining company guard
MILITARY CAREER: Inducted 1939, served in China 1939-1942

DATE OF CONFINEMENT: 26 December 1945
DATE OF ARRAIGNMENT: 30 October 1946
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 30 October 1946 - 21 March 1947
DATE OF SENTENCE: 21 March 1947
SENTENCE: CHL for ten (10) yrs
CLEMENCY RECOMMENDED BY COMMISSION: No

NAME: Yutaka Sagae
PERSONAL DATA: Unknown

SEVERED FROM CASE: R 371

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2. Synopsis of Charges, Pleas, Findings, and Legal Sufficiency:

Charge and Specifications:	Pleas	Findings	Legally Sustained
ASAKA:			
Charge: That accused, a 1st Lieutenant in the Imperial Japanese Army at the times and places set forth in the specifications hereto attached and during a time of war between the United States of America, its Allies and Dependencies, and Japan, did violate the Laws and Customs of War.	NG	G	Yes
Sp 1: Between 15 September 1944 and 13 September 1945, accused, did, unlawfully, disregard and fail to discharge his duty as Camp Commander by allowing and compelling numerous American and other Allied PW's to work excessively long hours at heavy and dangerous labor without proper safety precautions, exposed to falling rocks, tunnel cave-ins, rock slides, and other hazards, thereby resulting in injuries to the said PW's and in the death of Joseph G. Werner, an American PW.	NG	NG	

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Sp 2: Between 15 September 1944 and 13 September 1945, the accused, did unlawfully disregard and fail to discharge his duty as Camp Commander, by failing to provide adequate food, clothing, heat, medicines, medical attention and sanitation, thereby resulting in the malnutrition, suffering and sickness of Allied PW confined in said Camp.	NG	NG
Sp 3 (As amended R 5): Between 15 September 1944 and 20 November 1944, the accused, did unlawfully disregard and fail to discharge his duty as Camp Commander, by issuing orders denying to American doctors and medical corpsmen the right to administer to sick prisoners, and by refusing American doctors permission to treat the sick and injured, thereby depriving the sick and injured PW's of the benefit and comfort of skilled professional medical aid and resulting in the deaths of Robert V. Ring, Paul H. Miller and Joseph G. Werner, American PW's.	NG	NG
Sp 4: Between 15 September 1944 and 13 September 1945, the accused, did unlawfully disregard and fail to discharge his duty as Camp Commander by withholding and refusing and failing to issue to Allied PW's, Red Cross food supplies intended for the relief and comfort of Allied PW's.	NG	NG
Sp 5: Between 15 September 1944 and 13 September 1945, accused did, willfully and unlawfully, withhold and convert to his own use Red Cross food and supplies intended for the relief and comfort of American and Allied PW's.	NG	NG
Sp 6: On or about 3 May 1945, accused did, unlawfully, disregard and fail to discharge his duty as Camp Commander by permitting 2nd Lieutenant Masakatsu Sato to perform major surgical operations upon two unidentified American PW's, against their wishes and against the advice and over the protests of American doctors, at a time when said prisoners were physically unfit to undergo such operations and facilities for said operations were inadequate.	NG	NG

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Sp 7: Between 1 January 1945 and 31 January 1945, accused did, willfully and unlawfully, order, impose, and permit the collective punishment of all American PW's confined in said Camp for an offense committed by individual PW's by keeping them standing at attention for three hours.	NG	NG	
Sp 8: Between 1 January 1945 and 31 January 1945, accused did, willfully and unlawfully, order and impose collective punishment on all PW's confined in said Camp for an offense committed by individual PW's by reducing the grain ration of all PW's twenty percent.	NG	NG	
Sp 10: On or about 1 August 1945, accused did, willfully and unlawfully, order; impose and permit the collective punishment of forty-nine (49) PW's for an offense committed by an individual PW, by standing the said forty-nine PW's at attention and ordering and causing Japanese guards to beat them with leather belts.	NG	NG	
Sp 11: Between 1 January 1945 and 31 January 1945, the accused did, willfully and unlawfully, mistreat Algen E Hills, an American PW, by beating him with an encased saber and otherwise abusing him.	NG	NG	
Sp 12: Between 1 January 1945 and 31 January 1945, accused did, willfully and unlawfully, mistreat and abuse Albert O'Meara, an American PW, by beating him.	NG	G, except the word, "beating", substituting therefor the word "striking". Of the excepted word NG, of the substituted word G.	Yes
Sp 13: Between 15 September 1944 and 13 September 1945, accused did, willfully and unlawfully, mistreat and abuse Hugh D Hunt, an American PW, by beating him with fists and scabbard.	NG	G, except the words "beating him with fists and scabbard", substituting therefor the words "striking him with his encased sword". Of the excepted words NG, of the substituted words G.	Yes
Sp 14: Between 15 September 1944 and 13 September 1945, accused did, willfully and unlawfully, mistreat, torture, abuse and beat numerous American and Allied PW's.	NG	NG	
Sp 15: Between 15 September 1944 and 13 September 1945, accused did, unlawfully, disregard and fail to discharge his duty as Camp Commander to control and restrain members of his command and persons under his supervision and by permitting them to	NG	G	Yes

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commit the following cruel, inhuman and brutal acts and other offenses against certain American and other Allied PW's.			
(1-a): Between 1 March 1945 and 31 March 1945, the unlawful mistreatment and abuse by one "Patches" of William H. Arterburn, an American PW, by beating him with a pick handle into unconsciousness.	NG	NG	
(1-b): Between 15 September 1944 and 31 January 1945, the unlawful mistreatment and abuse by Cpl. Tetsuro Yoshio of Edward W. White and Wernera Ghilardi, American PW's, by beating them with fists, and by compelling the said PW's to stand at attention in their bare feet on an ice covered floor for a period of approximately ten hours.	NG	G, except the words "beating" and "ten", substituting therefor the words "slapping" and "three" respectively. Of the excepted words NG, of the substituted words G.	Yes
(1-c): Between 15 September 1944 and 23 March 1945, the unlawful mistreatment and abuse by Cpl. Tetsuro Yoshio of numerous American PW's by beating them with fists and by throwing them to the ground by the use of judo methods.	NG	G	Yes
(1-d): Between 1 June 1945 and 30 June 1945, the unlawful mistreatment and abuse by an unidentified Japanese mine employee of Ivan L. Buster, an American PW, by beating him with a club and breaking his arm.	NG	NG	
(1-e): Between 15 September 1944 and 1 December 1944, the unlawful mistreatment and abuse by a Japanese mine employee known as Untzitasum of numerous American PW's by beating them.	NG	NG	
(1-f): Between 1 December 1944 and 31 December 1944, the unlawful mistreatment and abuse by unidentified Japanese camp guards of five unidentified American PW's by compelling the said PW's to stand at attention in freezing weather with a log on each of their shoulders for a period of approximately eight hours.	NG	NG	
(1-g): Between 1 January 1945 and 31 January 1945, the unlawful mistreatment and abuse by an unidentified Japanese camp guard of Algen E. Hills, an American PW, by beating him with fists and a club.	NG	NG	
(1-h): On or about 24 December 1944, the unlawful mistreatment and abuse by one Private Sato, known as "Sugar" of Alfred W. Cook, an American PW, and two unidentified American PW's, by beating them with	NG	G	Yes

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fists and rifle butt, and by compelling the said PW's to stand at attention with a log on each shoulder for a period of approximately one hour.			
(1-i): Between 1 February 1945 and 28 February 1945, the unlawful mistreatment and abuse by Cpl. Tetsuro Yoshio, of John L. Crown, an American PW, and four unidentified American PW's, by beating them with fists and a saber, and by compelling them to stand at attention in their bare feet in freezing weather for a period of approximately twelve hours.	NG	G, except the words "freezing weather", substituting therefor the words "an extremely cold building". Of the excepted words NG, of the substituted words G.	Yes
(1-j): Between 1 November 1944 and 15 March 1945, the unlawful mistreatment and abuse by one "Patches" of Dillard D. Darneal, an American PW, by beating him with fists and a club.	NG	NG	
(1-k): Between 1 June 1945 and 30 June 1945, the unlawful mistreatment and abuse by an unidentified Japanese camp guard of James H. Farmer, an American PW, by beating him with fists, leather belt and feet, and by compelling the said PW to stand at attention for a period of approximately two hours.	NG	G	Yes
(1-l): Between 1 October 1944 and 31 October 1944, the unlawful mistreatment and abuse by Cpl. Tetsuro Yoshio of Donald B. Forsythe, Charles Stewart and Paul Galloway, American PW's, by beating them with fists and feet for a period of approximately thirty minutes and by throwing them to the ground by the use of judo methods.	NG	NG	
(1-m): On or about 7 December 1944 the unlawful mistreatment and abuse by Japanese guards known as Mazurka and "Snake" of Donald B. Forsythe and Kenneth Schoonover, American PW's, by beating them with clubs.	NG	NG	
(1-n): Between 1 January 1945 and 31 January 1945, the unlawful mistreatment and abuse by a Japanese guard known as Chimara of Francis O. Tucker, an American PW, by beating him with a club.	NG	NG	
(1-o): On or about 14 July 1945 the unlawful mistreatment and abuse by an unidentified Japanese mine guard of Curtis S. Gartman, an American PW, by beating him with fists and a club.	NG	NG	

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(1-p): Between 1 June 1945 and 30 June 1945, the unlawful mistreatment and abuse by a Japanese mine guard known as "The Old Man" of Clyde E. Winters, an American PW, by beating him with a club.	NG	NG	
(1-q): Between 1 February 1945 and 28 February 1945, the unlawful mistreatment and abuse by Corporal Tetsuro Yoshio of Curtis S. Gartman, an American Prisoner of War, by beating him with fists.	NG	G, except for the words "beating with fists", substituting therefor the word "slapping". Of the excepted words NG, of the substituted word G.	Yes
(1-r): Between 1 July 1945 and 31 July 1945, the unlawful mistreatment and abuse by an unidentified Japanese civilian guard of Charles Stewart, an American Prisoner of War, by beating him into unconsciousness with a club.	NG	NG	
(1-s): Between 1 September 1944 and 1 September 1945, the unlawful mistreatment and abuse by a Japanese guard known as "The Rat" of Michael X. Traino, an American Prisoner of War, by kicking him in the face and stomach.	NG	NG	
(1-t): Between 1 October 1944 and 5 October 1945, the unlawful mistreatment and abuse by Sgt Koichi Takahashi of Noble C. Dudley, an American Prisoner of War, by causing Japanese soliders to beat the said Prisoner of War on three occasions.	NG	NG	
(1-u): Between 1 October 1944 and 5 October 1945, the unlawful mistreatment and abuse by unidentified Japanese soldiers of Noble C. Dudley an American Prisoner of War, by beating him with sticks, guns and fists on three occasions.	NG	G	Yes
(1-v): Between 1 February 1945 and 28 February 1945, the unlawful mistreatment and abuse by an unidentified Japanese mine guard of Pat R. Howell, an American Prisoner of War, by beating and otherwise abusing him.	NG	NG	
(1-w): Between 1 July 1945 and 31 July 1945, the unlawful mistreatment and abuse by a Japanese mine guard known as "The Old Man" of Pat R. Howell an American Prisoner of War, by beating and otherwise abusing him.	NG	NG	
(1-x): Between 1 July 1945 and 31 July 1945, the unlawful mistreatment and abuse by a Japanese mine guard	NG	NG	

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known as "The Old Man" of Clyde E. Winters, an American Prisoner of War, by beating him with a club.			
(1-y): Between 1 July 1945 and 31 July 1945, the unlawful mistreatment and abuse by a Japanese mine guard known as "The Old Man" of Anton F. Urban, an American Prisoner of War, by beating him with a club.	NG	NG	
(1-z): Between 1 July 1945 and 31 July 1945, the unlawful mistreatment and abuse by a Japanese mine guard known as "The Old Man" of Harold C. Christensen, an American Prisoner of War, by beating him with a club.	NG	NG	
(2-a): Between 1 October 1944 and 5 October 1945, the unlawful mistreatment and abuse by a Japanese civilian guard known as Tanaka of Jess T. Jarrett, an American Prisoner of War, by knocking him down.	NG	NG	
(2-b): Between 1 November 1944 and 30 November 1944, the unlawful mistreatment and abuse by a Japanese soldier known as "Nigger" of Pat R. Howell, an American Prisoner of War, by beating him with fists, and by compelling him to stand at attention in deep snow for a period of approximately two hours.	NG	G	Yes
(2-c): Between 1 November 1944 and 30 November 1944, the unlawful mistreatment and abuse by unidentified Japanese guards of Pat R. Howell, an American Prisoner of War, by beating him with fists.	NG	NG	
(2-d): Between 1 November 1944 and 15 March 1945, the unlawful mistreatment and abuse by Sergeant Yutaka Sagae of Charles L. Urban, an American Prisoner of War, by beating him with fists.	NG	NG	
(2-e): Between 1 November 1944 and 30 November 1944, the unlawful mistreatment and abuse by Corporal Tetsuro Yoshia of J. Hoback, an American Prisoner of War, by knocking him to the floor several times by the use of judo methods.	NG	G	Yes
(2-f): Between 1 February 1945 and 31 March 1945, the unlawful mistreatment and abuse by a Japanese civilian guard known as "The Rat" of J. B. Lawler, an American Prisoner of War, by beating him with a club.	NG	NG	

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(2-g): Between 1 February 1945 and 28 February 1945, the unlawful mistreatment and abuse by unidentified Japanese army guards of Elmer E. Long, Jr., an American Prisoner of War, by beating him with fists and feet, and by compelling him to stand at attention in seven feet of snow for a period of approximately three hours.	NG	G	Yes
(2-h): On or about 20 May 1945, the unlawful mistreatment and abuse by Tokuji Yonemura of Jesse T. Jarrett, an American Prisoner of War, by beating him into unconsciousness with a club.	NG	NG	
(2-i): On or about 20 May 1945, the unlawful mistreatment and abuse by Tokuji Yonemura of Ralph W. Pope, an American Prisoner of War, by beating him with a club, kicking him on the shins and in the testicles, and breaking the said Prisoner's arm.	NG	NG	
(2-j): Between 1 April 1945 and 30 April 1945, the unlawful mistreatment and abuse by Tokuji Yonemura of Michael X. Traino, an American Prisoner of War, by beating him over the head with a club and partially severing the right ear from his head.	NG	NG	
(2-k): On or about 2 January 1945, the unlawful mistreatment and abuse by a Japanese soldier known as "Nigger" of Herbert F. Markland, an American Prisoner of War, by beating him with a club.	NG	G	No
(2-l): Between 1 November 1944 and 30 November 1944 the unlawful mistreatment and abuse by a Japanese civilian known as "Mister Eto" of Arlen M. DeBoer, an American Prisoner of War, by beating him.	NG	NG	
(2-m): Between 1 January 1945 and 31 January 1945, the unlawful mistreatment and abuse by a Japanese guard known as Marakami of Arthur A. Mohr, an American Prisoner of War, and forty unidentified American Prisoners of War, by beating them with fists.	NG	NG	
(2-n): On or about 10 August 1945, the unlawful mistreatment and abuse by an unidentified Japanese armed guard and unidentified Japanese civilians of Arthur A. Mohr, an American Prisoner of War, by beating him with rifle butts and clubs, and by kicking him into unconsciousness.	NG	NG	

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(2-o): Between 1 January 1945 and 31 January 1945, the unlawful mistreatment and abuse by a Japanese soldier known as "Nigger" of Elmore E. Bowers, an American Prisoner of War, by beating him with a rifle butt.	NG	G	Yes
(2-p): Between 1 January 1945 and 31 January 1945, the unlawful mistreatment and abuse by a Japanese soldier known as "Nigger" of Percy C. Mooney, an American Prisoner of War, by beating him with a rifle butt.	NG	G	Yes
(2-q): Between 1 January 1945 and 31 January 1945, the unlawful mistreatment and abuse by an unidentified Japanese civilian mine employee of James M. Morehead, an American Prisoner of War, by beating him with a club.	NG	NG	
(2-r): Between 1 February 1945 and 28 February 1945, the unlawful mistreatment by Sergeant Koichi Takahashi of Andrew A. O'Meara an American Prisoner of War, by beating him with fists and otherwise abusing him.	NG	G, except for the words "beating" and "with fists" "and otherwise abusing him", substituting therefor the words "slapping" and "with open hands and by use of Judo methods." Of the excepted words NG, of the substituted words G.	Yes
(2-s): Between 15 September 1944 and 15 September 1945, the unlawful mistreatment and abuse by a Japanese guard known as Tanaka of Elmer T. Thomas, an American Prisoner of War, by beating him.	NG	NG	
(2-t): Between 1 January 1945 and 15 September 1945, the unlawful mistreatment and abuse by a Japanese civilian known as Oikawa, of Clarence H. Nelson, Jr., an American Prisoner of War, by beating him with an iron pipe.	NG	NG	
(2-u): On or about 22 February 1945, the unlawful mistreatment and abuse by unidentified Japanese camp guards of Frank Hawkes, Shelby G. Embry and Leo E. Heinz, Jr., American Prisoners of War, by beating them with fists and feet.	NG	G	Yes
(2-v): Between 22 February 1945 and 26 February 1945, the unlawful mistreatment and abuse by unidentified Japanese camp guards of Frank Hawkes and Leo E. Heinz, Jr., American Prisoners of War, by confining them in the guardhouse for three days and four nights without adequate clothing or protection against the cold weather, thereby resulting in the feet of the said Prisoners of War being frozen.	NG	G	Yes

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(2-w): Between 1 January 1945 and 31 January 1945, the unlawful mistreatment and abuse by a Japanese mine guard known as Ito of Edsel Bartle, an American Prisoner of War, by beating him with a club.	NG	NG	
(2-x): Between 1 February 1945 and 28 February 1945, the unlawful mistreatment and abuse by a Japanese mine guard known as Ito of William Boyd, an American Prisoner of War, by beating him on the head with a mine hammer.	NG	NG	
(2-y): On or about 7 April 1945, the unlawful mistreatment and abuse by a Japanese guard known as Tuesia of Vernon C. Reed, an American Prisoner of War, by beating him into unconsciousness.	NG	NG	
(2-z): On or about 2 March 1945, the unlawful mistreatment and abuse by a Japanese guard known as Tuesia of Wilton E. White, an American Prisoner of War, by beating him with a sledge hammer.	NG	NG	
(3-a): On or about 1 February 1945, the unlawful mistreatment and abuse by Japanese guards known as "Negro" and "Blinkey" of Walter B. Samson, an American Prisoner of War, by beating him with fists and rifle butts.	NG	G	Yes
(3-b): Between 1 June 1945 and 30 June 1945, the unlawful mistreatment and abuse by an unidentified Japanese soldier of Harry E. Sanders, an American Prisoner of War, by beating him with a bayonet.	NG	G	Yes
(3-c): Between 1 August 1945 and 15 August 1945, the unlawful mistreatment and abuse by an unidentified Japanese guard of Jason I. Sharp, an American Prisoner of War, by beating him across the head with a shoe.	NG	G	Yes
(3-d): Between 15 September 1944 and 10 May 1945, the unlawful mistreatment and abuse by Sergeant Yutaka Sagae of a group of unidentified American Prisoners of War, by requiring them to stand at attention for a period of approximately seven hours as collective punishment for the alleged offense of an individual Prisoner.	NG	NG	
(3-e): Between 1 October 1944 and 4 September 1945, the unlawful mistreatment and abuse by an unidentified Japanese guard of John C. Spencer, an American Prisoner of War, by beating him with fists and a rifle butt.	NG	G	Yes

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(3-f): Between 9 September 1944 and 15 September 1945, the unlawful mistreatment and abuse by a Japanese mine guard known as Ito of Walter Stefanski, an American Prisoner of War, by beating him.	NG	NG	
(3-g): Between 1 January 1945 and 31 January 1945, the unlawful mistreatment and abuse by a Japanese soldier known as "The Big Nigger" of Lawrence E. Stubblefield, an American Prisoner of War, by beating him into unconsciousness.	NG	G	Yes
(3-h): Between 1 November 1944 and 30 November 1944, the unlawful mistreatment and abuse by Corporal Tetsuro Yoshio, known as "Cyclops" of Mitchel J. Telendo, an American Prisoner of War, by beating him with fists.	NG	G	Yes
(3-i): Between 1 November 1944 and 30 November 1944, the unlawful mistreatment and abuse by one "Patches" of Mitchel J. Telendo, an American Prisoner of War, by beating him.	NG	NG	
(3-j): Between 1 January 1945 and 31 January 1945, the unlawful mistreatment and abuse by Corporal Tetsuro Yoshio and an unidentified Japanese guard of Anton F. Urban, an American Prisoner of War, by beating him with a club.	NG	G	Yes.
(3-k): On or about 1 November 1944, the unlawful mistreatment and abuse by Corporal Tetsuro Yoshio of Elmer P. Fleming, Jr., an American Prisoner of War, by beating him with fists.	NG	G, except for the words "beating" and "with fists", substituting therefor the word "slapping". Of the excepted words NG. Of the substituted word G.	Yes
(3-l): On or about 20 December 1944, the unlawful mistreatment and abuse by a Japanese soldier known as "The Big Nigger" of Elmer P. Fleming Jr., an American Prisoner of War, by beating him with a rifle butt.	NG	NG	
(3-m): On or about 15 November 1944, the unlawful mistreatment and abuse by Sergeant Yutaka Sagae of Elmer P. Fleming, Jr., an American Prisoner of War, by beating him with fists.	NG	G	Yes

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(3-n): Between 1 January 1945 and 31 March 1945, the unlawful mistreatment and abuse, by unidentified Japanese guards of Theodore Paras, William J. VanAlmen, Lloyd J. Meador, Edward A. Sergeant, Gordon K. Hilton, Herbert Holbert, Brownell H. Cole and James F. Drake, American Prisoners of War, by beating them and by confining the said Prisoners of War in the guard-house in freezing weather without adequate clothing or blankets, thereby resulting in the feet of the said Prisoners of War being frozen.	NG	G, except for the words "Gordon K. Hilton" and "and by confining the said prisoners of war in the guard house in freezing weather without adequate clothing or blankets thereby resulting in the feet of the said prisoners of war being frozen." Of the excepted words NG.	Yes
(3-o): Between 15 September 1944 and 13 September 1945, the unlawful mistreatment, torture, abuse and beatings of numerous American and Other Allied Prisoners of War.	NG	G, except for the words "and other Allied." Of the excepted words NG.	Yes
TAKAHASHI:			
Charge: Accused, a Sergeant in the Imperial Japanese Army, at the times and places set forth in the specifications hereto attached and during a time of war between the United States of America, its Allies and Dependencies, and Japan, did violate the Laws and Customs of War.	NG	G	Yes
Sp 1: Between 1 January 1945 and 28 February 1945, at or near Sendai Area Prisoner of War Camp Number 6, Hanawa, Honshu, Japan, the accused, Koichi Takahashi, did willfully and unlawfully mistreat and abuse William J. VanAlmen, Lloyd J. Meador, Edward A. Sergeant, Gordon K. Hilton, Herbert Holbert, Brownell H. Cole, Theodore Paras and James F. Drake, American PW's, by beating and otherwise abusing them.	NG	G, except the words "Lloyd J. Meador, Gordon K. Hilton, Herbert Holbert, Brownwell H. Cole, Theodore Paros, and James F. Drake", beating and otherwise abusing them", substituting for the latter excepted words "throwing them to the ground by the use of Judo". Of the excepted words NG. Of the substituted words G.	Yes
Sp 2: Between 1 October 1944 and 13 September 1945 the accused did, willfully and unlawfully, mistreat and abuse Noble C. Dudley, an American PW, by ordering and causing unidentified Japanese soldiers to beat the said PW with fists, sticks and guns.	NG	NG	
Sp 3: Between 1 February 1945 and 28 February 1945, accused did, willfully and unlawfully, mistreat and abuse Albert A. O'Meara, an American PW, by beating him with fists and by the use of judo methods.	NG	G, except for the words "beating him with fists" substituting therefor the words "slapping with open hand". Of the excepted words NG, of the substituted words G.	Yes
Sp 4: At divers times between 15 September 1944 and 13 September 1945, accused did, willfully and unlawfully, mistreat and abuse Alfred E. LeBeau, an American PW, by beating him with fists and a club.	NG	NG	

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Sp 5: On or about 10 August 1945, accused, did, willfully and unlawfully, mistreat and abuse Arthur A. Mohr, an American PW, by beating him with a cased saber and a pair of wooden shoes.	NG	NG	
Sp 6: Between 1 October 1944 and 13 September 1945, accused did, willfully and unlawfully, mistreat, abuse and beat numerous American and other Allied PW's.	NG	NG	
YOSHIO:			
Charge: Accused, a Corporal in the Imperial Japanese Army at the times and places set forth in the specifications hereto attached and during a time of war between the United States of America, its Allies and Dependencies, and Japan, did violate the Laws and Customs of War.	NG	G	Yes
Sp 1 (As amended R 5): Between 15 September 1944 and 1 December 1944, accused did, willfully and unlawfully refuse and fail to provide available and adequate medicines, medical treatment and hospitalization to Paul H. Miller, Robert V. Ring, and Joseph G. Werner, American PW's, thereby resulting in the deaths of said Prisoners.	NG	NG	
Sp 2: Between 15 September 1944 and 31 January 1945, accused did, willfully and unlawfully, mistreat and abuse Edward M. White and Wernera Ghilardi, American PW's, by beating them with his fists and by compelling the said PW's to stand at attention with bare feet on an ice covered floor for a period of approximately ten hours.	NG	G, except for the words "beating" and "ten", substituting therefor the words "slapping" and "three" respectively. Of the excepted words NG, of the substituted words G.	Yes
Sp 3: Between 1 February 1945 and 28 February 1945, accused, did, willfully and unlawfully, mistreat and abuse John L. Crown, an American PW, and four other unidentified American PW's by beating them with a saber and by compelling the said PW's to stand at attention in their bare feet in extremely cold weather for approximately twelve hours.	NG	G, except for the word "weather" substituting therefor "building". Of the excepted word NG, of the substituted word G.	Yes
Sp 4: Between 1 October 1944 and 31 October 1944, accused did, willfully and unlawfully, mistreat and abuse Donald B. Forsythe, Charles Stewart and Paul Galloway, American PW's, by beating them with his fists and with wooden shoes and by repeatedly knocking the said Prisoners down with judo methods.	NG	NG	

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Sp 5: Between 1 February 1945 and 28 February 1945, accused, did, willfully and unlawfully, mistreat and abuse Curtis S. Gartman, an American PW, by beating him.	NG	G, except for the word "beating" substituting therefor the word "slapping". Of the excepted word NG, of the substituted word G.	Yes
Sp 6: Between 1 November 1944 and 30 November 1944, accused did, willfully and unlawfully, mistreat and abuse Mitchel J. Telendo, an American PW by beating him.	NG	G	Yes
Sp 7: Between 1 January 1945 and 31 January 1945, accused did, willfully and unlawfully, mistreat and abuse Anton F. Urban, an American PW, by beating him with a club.	NG	G	Yes
Sp 8: On or about 1 November 1944, accused did, willfully and unlawfully, mistreat and abuse Capt. Elmer P. Fleming, Jr., an American PW, by beating him.	NG	G, except for the word "beating", substituting therefor the word "slapping". Of the excepted word NG, of the substituted word G.	Yes
Sp 9: Between 1 February 1945 and 28 February 1945, accused did, willfully and unlawfully, mistreat and abuse Wernera Ghilardi, an American PW, by beating him with a club.	NG	G	Yes
Sp 10: Between 15 September 1944 and 23 March 1945, accused did, willfully and unlawfully, mistreat, abuse and beat numerous American and other Allied PW's.	NG	G, except for the words "and other allied". Of the excepted words NG.	Yes
YONEMURA:			
Charge (As amended R 6): Accused, employed by the Mitsubishi Mining Company, Limited, a civilian concern employing PW's held captive by the Japanese Army, at the times and places set forth in the specifications hereto attached, and during a time of war between the United States of America, its Allies and Dependencies, and Japan, did violate the Laws and Customs of War.	NG	G	Yes
Sp 1: On or about 20 May 1945, accused did, willfully and unlawfully, mistreat and abuse Ralph W. Pope, an American PW, by beating him with fists, feet and a club, thereby breaking said Prisoner's arm.	NG	G, except for the words "thereby breaking said prisoner's arm". Of the excepted words NG.	Yes
Sp 2: On or about 20 May 1945, accused did, willfully and unlawfully mistreat and abuse Jess T. Jarrett, an American PW, by beating him with a club into unconsciousness.	NG	G, except for the words "into unconsciousness". Of the excepted words NG.	Yes

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Sp 3: Between 1 February 1945 and 31 March 1945, accused did, willfully and unlawfully mistreat and abuse J. E. Lawler, an American PW, by beating him with a club.	NG	G	No
Sp 4: Between 1 April 1945 and 30 April 1945 accused, did willfully and unlawfully mistreat and abuse Michael X. Traino, an American PW, by beating him with a club and partially severing an ear from said Prisoner's head.	NG	G, except the words "partially severing" substituting therefor the word "lacerating". Of the excepted words NG. Of the substituted word G. Further excepted for the words "from said Prisoner's ear". Of the excepted words NG.	Yes
Sp 5: Between 15 September 1944 and 23 March 1945, accused did, wilfully and unlawfully mistreat, abuse and beat numerous American and other Allied PW's.	NG	G, except for the words "and other Allied". Of the excepted words NG.	Yes

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3. Summary of the Evidence:

a. For the Prosecution:

On 9 September 1944, four American officers and 496 American enlisted men, Prisoners of War of Japan, arrived at Prisoner of War Camp Number 6, located in the city of Hanawa, Honshu, Japan. The Prisoners of War were taken to the camp with the purpose of working in a nearby copper mine (R 12, Ex 1-A).

On 14 September 1944 the permanent staff arrived at the camp. It consisted of accused Asaka, Camp Commander; accused Takahashi, sergeant major; accused Sagae, supply; and accused Yoshio, medical corps (Ex 1-A). Accused Yonemura was employed by the mining company as a company guard (R 354).

The several accused were charged with the mistreatment, abuse, and beating of Prisoners of War between 15 September 1944 and 13 September 1945. Lt. Asaka was also charged with command responsibility for cruel, inhuman, and brutal acts and other offenses against certain American Prisoners of War and other Allied Prisoners of War. A motion to dismiss all specifications pertaining to Asaka's command responsibility in the factory was granted as to Specification 1 and as to twenty-one (21) sub-specifications of Specification 15 (R 244-262). The Commission later made findings of Not Guilty as to those which it had dismissed.

As to Asaka:

As to Specification 12: One day in January 1945 a group of prisoners who was sick in quarters was ordered out into the compound to remove some cabbages from a small bank where they had been stored. In so doing some would occasionally eat a leaf of cabbage. Accused was standing in his office and apparently saw O'Meara, American Prisoner of War, eating a leaf of cabbage. Accused came running out of his office and ran over to where O'Meara was and struck him on the back of his head from behind with his encased sword and O'Meara was knocked to the ground unconscious (R 38, Ex 92).

As to Specification 13: On the night of 19 November 1944, accused took a roll call formation in the barracks. He had been drinking and was slightly inebriated. Sgt. Hunt, American Prisoner of War medical corpsman, was not standing at attention and he did not have his hands perfectly rigid. Accused who was carrying a sword case on his side made one big swing with his

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encased sword and cut Sgt. Hunt's hand right behind the knuckles. The skin was broken and his hand swelled a good bit (R 35, 35a, 204, 383, 415; Ex 103).

As to Specification 15 (1-b): About the middle of November 1944, Edward M. White and Wernera Ghilardi, American Prisoners of War, were marked duty by medical corpsman Cpl. Yoshio. The following morning when they fell out for work their civilian foreman relieved them from work and they went back to the barracks. They were suffering from dysentery, were emaciated and were not in very good condition. Yoshio checked the men that had gone to work and discovered that two men were absent. Eventually Yoshio got to the two men about 9 o'clock that morning and after taking them to the dispensary he proceeded to work them over pretty thoroughly by slapping and hitting them with a soft soled shoe. As additional punishment for not going to work, he had them stand in the vestibule with no shoes and no stockings, where it was very cold because there was skim ice on the floor. They were made to stand there for approximately nine to ten hours. The beating began about 9 o'clock and they were sent back to the barracks about seven in the evening without any lunch (R 33).

As to Specification 15 (1-c): Cpl. Tetsuro Yoshio mistreated and abused numerous American Prisoners of War by beating them with fists and by throwing them to the ground by the use of judo methods (Ex 1-A, 16, 19, 20, 22, 23, 37, 46, 51, 53, 54, 57, 62, 66, 69, 72, 76, 78, 86, 87, 100, 112, 114, 118, 119, 124, 132, 133, 136, 145, 148, 154; R 20, 33, 206, 375, 384, 513).

Specification 15 (1-h): On Christmas Eve of 1944, Alfred W. Cook and two other American Prisoners of War were caught attempting to steal wood by a Japanese guard, Pvt. Sato, called "Sugar" by the American Prisoners of War. Sato struck each of them several blows with his fists and rifle butt and then stood them at attention with a log on each of their shoulders for about one hour. Then Sato came out and slapped each of them several times with the outside edge of his hand and then left them outside for about another hour (Ex 35).

Specification 15 (1-i): One morning in February 1945 five American Prisoners of War, including John L. Crown, were told by a Japanese civilian who was their superior officer to report back to the barracks since they were not able to go to work. At 0900 hours the same morning a Japanese guard nicknamed "Cyclops" discovered the five Prisoners of War in the camp area. As punishment for failing to report for work, he lined them up and beat them over their heads with his saber. He also slapped them across their faces several times. He then took them to a small frame building which was not heated and made them stand at attention until about 9 p.m. The weather was extremely cold and the Prisoners of War were barefooted. "Cyclops" was a one-star sergeant in the medical corps of the Japanese Army whose duty it was to determine what men were physically qualified to work on a certain day (Ex 38). Accused Yoshio was called "Cyclops" by the Prisoners of War (R 41).

As to Specification 15 (1-k): In June 1945, James H. Farmer, American Prisoner of War, stood at attention for two hours during which time a Japanese guard slapped him across his face with a leather belt, beat him with his fists until both eyes were closed and his face was discolored to a reddish purple and kicked him with a GI boot in the pubic and groin region (Ex 47).

As to Specification 15 (1-q): On or about February 1945, Curtis S. Gartman, American Prisoner of War, was waiting in line at sick call when his attention was distracted long enough for him to miss his number being called by "Cyclops". For this "Cyclops" hit Gartman twice across the face with the back of his hand (Ex 57). Accused Yoshio was called "Cyclops" by the Prisoners of War (R 41).

As to Specification 15 (1-u): Nobel C. Dudley, American Prisoner of War was caught with some rice he had stolen from a Japanese storehouse, and he was severely beaten with fists and hit with rifle butts by several of the guards. This punishment was conducted under the supervision of Sgt. Takahashi. Later, Dudley was put into the guardhouse (R 39). On three

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occasions Dudley was taken out and beaten in front of the camp guardhouse by four Japanese soldiers. He was beaten with sticks, guns, and fists (Ex 70).

As to Specification 15 (2-b): In the latter part of November 1944, Sgt. Howell, American Prisoner of War, who was ill at the time from undernourishment, beri-beri, and pellagra, was walking with great effort toward the latrine when he was stopped by a Japanese guard nicknamed "Nigger". He made Sgt. Howell extend his arms and then he beat him for ten minutes with his fists. Sgt. Howell was knocked down three times. He was then forced to stand at attention for two hours in three feet of snow. At intervals the guards would come out and beat him with their fists (Ex 119).

As to Specification 15 (2-e): J. Hoback, American Prisoner of War, received minor beatings on several occasions (R 41). In the early part of November 1944, Gotoho Yoshio, senior medical aid man, used jiujitsu on Hoback when he went on sick call. Hoback, who was suffering from beri-beri, pellagra, and malnutrition, told Yoshio that he could hardly walk. Yoshio immediately picked up Hoback and threw him to the floor. He did this three or four times and then sent Hoback back to the barracks (Ex 119).

As to Specification 15 (2-g): Prisoners were required to salute the guardhouse on every occasion when they passed it and were severely beaten by the army guards if they did not do so. In February 1945, Elmer E. Long, Jr., American Prisoner of War, forgot to salute the guardhouse and was forced to stand at attention out of doors for three hours at a time when there was seven feet of snow on the ground. Each army guard that passed Long struck him with his fist, open hand, or kicked him. At the end of this time, Long's face was badly swollen and his shins were bruised (Ex 123).

As to Specification 15 (2-k): The only evidence in support of this specification is an affidavit of the alleged victim, Herbert F. Markland, the pertinent parts of which are as follows:

"3. I have personal knowledge of killings, tortures, beatings, other cruelties (including starvation) or improper punishments as indicated:

Name of victim	Date	Place	Japanese perpetrator
MARKLAND	JAN 2; 45	SANDI-8	BIG NEGER

Believe he means Sendai
6-B. /s/ R.D.P.

PROSECUTION EXHIBIT 125

(Top of next page)

Name of victim	Date	Place	Japanese perpetrator
ALCORN	AUG 14:45	SANDI 8B	CIV. Q.M.
SERGEANT	MARCH 45	SANDI 8B	Lt. OSAKA
Van ALLMAN	DEC 44	SANDI 8B	Lt. Osaka

Brief description of each atrocity:

1. Beaten in the face with club. 2. Beaten in the face with belt. 3. Anh feet frozen in guard house"

As to Specification 15 (2-o): About the middle of January 1945, Elmore E. Bowers, American Prisoner of War, was beaten during the daytime in the barracks by a Japanese nicknamed "Nigger". "Nigger" used his rifle butt and beat Bowers for five minutes over the head and about the body. As a result Bowers was badly bruised and bleeding at the mouth. He had to be confined to quarters for three days (Ex 130).

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As to Specification 15 (2-p): About the middle of January 1945, Percy C. Mooney, American Prisoner of War, was beaten by a Japanese called "Nigger". "Nigger" used a rifle butt on Mooney and beat him about the head and body for about five (5) minutes. As a result his body was badly bruised and he had a black eye and a bloody nose (Ex 131).

As to Specification 15 (2-r): In February 1944, Takahashi questioned Albert A. O'Meara, American Prisoner of War, about the theft of some salt. O'Meara told him he knew nothing about the theft and Takahashi started to beat him. He struck O'Meara with his open hand several times and then threw him to the ground several times by using jiujitsu. This treatment continued for approximately ten minutes (Ex 91).

As to Specification 15 (2-u): About the latter part of February 1945, Frank Hawkes, Shelby Embry and Leo E. Heinz, Jr., American Prisoners of War, were caught with some tobacco or cigarettes in their possession, which were stolen from the Japanese storeroom. They were beaten for this by one of the guards with his fists and feet for about fifteen minutes (R 42, 387; Ex 95).

As to Specification 15 (2-v): On 22 February 1945, Frank Hawkes and Leo E. Heinz, Jr., American Prisoners of War, were confined in the guardhouse for three days and four nights. There was no heat in the guardhouse. The only clothing they had was that which they were wearing when they were put into the guardhouse. Each evening after roll call their overcoats were sent to them and the overcoats were taken from them the next morning at roll call. On 26 February 1945, when they were released from the guardhouse, both Hawks and Heinz had frozen feet. They could not walk and had to be carried to the hospital where they received treatment and were then carried to their barracks (R 42, 387; Ex 95).

As to Specification 15 (3-a): On about 1 February 1945, Walter R. Samson, American Prisoner of War, who had a very bad case of diarrhea, hurriedly got out of his bunk and went to the latrine without being fully dressed. One of the Nip guards caught him and took him to the guardhouse. There Samson was made to stand at attention for forty-five minutes while four Japanese guards, two of whom were nicknamed "Negro" and "Blinkey" beat him with their fists and then hit him with their rifle butts. Samson was seriously bruised and cut up after the beating (Ex 106).

As to Specification 15 (3-b): In the early part of June 1945, Harry E. Sanders, American Prisoner of War, was beaten by a Japanese guard. Sanders was doing inside guard duty in barracks number 3 when a Japanese guard came through apparently for inspection. He started talking to Sanders and at the same time started hitting Sanders over the head with the flat side of his bayonet. While talking in Japanese, which Sanders could not understand, the guard struck him fifteen or twenty blows over a period of about ten minutes. Sanders had several welts on his head about two or three inches long and suffered a severe headache for several days (Ex 107).

As to Specification 15 (3-c): About the middle of August 1945, Jason L. Sharp, American Prisoner of War, was beaten by one of the Japanese military guards. During the night Sharp awoke and wanted to smoke. It was against the regulations of the camp to smoke after the lights were out. In attempting to light a cigarette, he attracted the attention of a sentry. The sentry ordered Sharp down from his bunk and took him to the front of the guardhouse where he made him stand at attention. The guard yelled and raved in Japanese and then stepped up on a raised platform and struck Sharp across the side of his face about ten times with a rubber-soled shoe. As a result of this beating Sharp's face was badly bruised and was swollen for about two weeks (Ex 111).

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As to Specification 15 (3-e): Some time between 1 October 1944, and 4 September 1945, John C. Spencer, American Prisoner of War, was beaten on his abscessed jaw by a Japanese guard who used his rifle butt and his fists (Ex 135).

As to Specification 15 (3-g): About January 1945, Lawrence E. Stubblefield, American Prisoner of War, was caught with some wood he was trying to smuggle into the camp. One of the guards, nicknamed "The Big Nigger," began beating him over the head and body. Although not unconscious Stubblefield was so weak after the beating that he could not get on his feet (Ex 137).

As to Specification 15 (3-h): One afternoon during November 1944, Mitchel J. Telendo, American Prisoner of War, returned to camp from an adjacent mine in which he had been working. Cpl. Yoshio, known as "Cyclops," heard from other Japanese that Telendo had been beaten at the mine because he had not done enough work. "Cyclops" ordered him to stand at attention and then proceeded to beat him with his fists for about three quarters of an hours. As a result of the beating, Telendo was badly bruised and cut and his mouth and face were swollen (R 41; Ex 138).

As to Specification 15 (3-j): In January 1945, Anton F. Urban, American Prisoner of War, was beaten with a stick for about thirty minutes about the head and body by a Japanese medical sergeant nicknamed "Cyclops" and another unidentified Japanese. Urban's face was cut and bleeding and his body was bruised. Urban was beaten because he had burned a hole in his trousers by drying them over a hot stove pipe (Ex 141). Yoshio was called "Cyclops" by the Prisoners of War (R 41).

As to Specification 15 (3-k): On the night of 9 November 1944 Elmer P. Fleming, Jr., American Prisoner of War, was struck three times on the face with the open hand by Yoshio. Fleming, who was then senior prisoner officer, was hit while he was attempting to obtain Yoshio's permission to get a sick Prisoner of War into the hospital (R 33, 205).

As to Specification 15 (3-m): Around the first of December 1944, Elmer P. Fleming, Jr., American Prisoner of War, was knocked on his back by Sgt. Yutake Sagae and Fleming fell. Fleming jumped up and Sagae hit him again. The only injury incurred was a split lip (R 42, 205).

As to Specification 15 (3-n): In March 1945 a group of Prisoners of War took a fire ladder which was hung on the side of the building for use in case of fire. They sawed the ladder into fire wood and burned it in a stove in the barracks. Sgt. Takahashi went to the barracks to find out who was responsible for the burning of the ladder. All Prisoners of War responsible for this incident volunteered to take the punishment. Takahashi called a group of Japanese soldiers from the barracks and ordered them to hit the American Prisoners of War, Paras, Van Almen, Meador, Sergeant, Holbert, Cole and Drake. The Japanese soldiers hit these men with their fists for about thirty minutes. After all of the men had been beaten, they were put into the guardhouse for three days without adequate clothing or blankets. When they were released from the guardhouse, all of the men had seriously frost-bitten feet and at least two of them were hospitalized with frozen feet (R 44-47; Ex 14, 24, 69, 105, 110, 147, 158).

As to Specification 15 (3-o): Numerous instances of mistreatment and abuse are related in the record, said offenses being against Prisoners of War other than those specifically named in other specifications (Ex 1-A, 11, 19, 20, 22, 23, 26, 30, 31, 37, 39, 45, 48, 49, 54, 59, 62, 66, 67, 69, 71, 78, 79, 85, 89, 101, 109, 112, 115, 116, 117, 122, 124, 136, 140, 143, 145, 146, 154; R 35(a), 42, 43, 47, 205, 383, 384, 388, 478, 513).

Many of the affidavits of the former prisoners state that Asaka was aware of these conditions (Ex 16, 30, 37, 38, 48, 52, 62, 84, 86, 96, 100, 107, 109, 120, 122, 123, 140 and 145).

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As to Yoshio:

As to Specification 2: See As to Asaka, Specification 15 (1-b).

As to Specification 3: See As to Asaka, Specification 15 (1-i).

As to Specification 5: See As to Asaka, Specification 15 (1-q).

As to Specification 6: See As to Asaka, Specification 15 (3-h).

As to Specification 7: See As to Asaka, Specification 15 (3-j).

As to Specification 8: See As to Asaka, Specification 15 (3-k).

As to Specification 9: In about February 1945, Giliridi, American Prisoner of War, reported to sick bay and the staff doctor Yosio then, as was the doctor's usual method, jiujitsued Giliridi. That was the end of his treatment. Yosio beat Giliridi with a four-foot stick for reporting to him sick. He was then sent away and was carried to work next day in this sick condition and had to be carried back from the mine each day for a week (Ex 99).

As to Specification 10: Numerous instances of mistreatment, abuse and beatings are related in the record, said offenses being against Prisoners of War other than those specifically named in other specifications (Ex 1-A, 16, 19, 20, 22, 23, 37, 46, 53, 54, 57, 62, 66, 69, 76, 78, 86, 87, 100, 112, 114, 118, 119, 124, 132, 133, 136, 145, 148, 154; R 20, 33, 206, 375, 384).

As to Takahashi:

As to Specification 1: About 25 March 1945, Sergeant, Paras, Hilton, Cole, and three or four more American Prisoners of War took a ladder hung on the side of the building for use in case of fire and burned it for fire wood. They were caught and their punishment was begun by Takahashi and one or two guards. Takahashi threw some of the men over his shoulder by judo. The Prisoners of War received a series of severe beatings with clubs and judo administered by Takahashi (R 44; Ex 69, 110, 158). Also see as to Asaka, Specification 15 (3-n) above.

As to Specification 3: See as to Asaka, Specification 15 (2-r) above. An American PW who was orderly for a Jap. personnel at the camp could not recall Takahashi's ever beating or causing to be beaten any of the PW's alleged in the Specification Ex D.

As to Yonemura:

As to Specification 1: On 20 May 1945, Ralph W. Pope, American Prisoner of War, while acting in his capacity as section leader, was starting back to camp from the mine in which he worked when Yonemura called him back. An American Prisoner of War Jarrett was lying unconscious on the ground and Pope asked Yonemura what had happened. Yonemura said that the prisoner had called him a son of a bitch and that he had hit the prisoner. Yonemura started bawling Pope out because, as he claimed, the men were not working hard enough and everything in general was Pope's fault. Pope turned around and started off when Yonemura hit him on the back of the head with a club knocking him down. Two of the Prisoners of War picked him up and Yonemura swung again with the club. Pope saw the blow coming and threw up his left arm to ward it off, and the blow struck his wrist breaking it. Yonemura then threw down his club and started to beat Pope with his fists and kicking him in the testicles and on the shins. This went on for about 15 minutes rendering Pope groggy (R 21; Ex 97, 120, 123).

As to Specification 2: On 20 May 1945, J. T. Jarrett, American Prisoner of War, stopped to pick up a cigarette butt while returning from the mine to the camp. Yonemura spotted Jarrett and beat Pope, the detail leader,

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and Jarrett for about ten minutes with a walking stick. Jarrett was struck on the head and the large area on his temple was skinned (Ex 97, 123).

As to Specification 3: One morning in February or March 1945, J. B. Lawler, American Prisoner of War, was beaten with a club by the civilian guard called "The Rat". Lawler was beaten for picking up a cigarette butt while going to work. He was beaten over the head and knocked down twice. When he arrived at the mine, Lawler received first aid for the two wounds on his head which were bleeding at the time (Ex 120). One former Prisoner of War knew Yonemura as the "Rat". (Ex 93).

As to Specification 4: In April 1945, while returning from the mine to the camp, Yonemura beat Michael Traino, American Prisoner of War, because he had picked up an old unused board at the mine entrance. Traino was knocked to the ground by several blows on the head, was severely beaten on the ground, and while attempting to rise was struck a glancing blow along side of his head, which split the upper part of his right ear and left it dangling. U. S. medical corps officers sewed his ear and it eventually healed although it left severe scars (R 41; Ex 93, 94, 123, 142).

As to Specification 5: Yonemura carried a weapon of the same type as a stick about the size of a broom handle with an iron piece about a foot long on the end, which he used to beat the prisoners with (Ex 117). Yonemura was seen to beat many Americans and was cruel and abusive to most Americans (Ex 93). Yonemura was relieved as a guard because he was short tempered, would not obey orders and he carried out punishment privately (Ex 161). Yonemura was known as the "Weasel" (R 41, 382; Ex 97). "The Weasel" was one of two civilian guards in the mines who beat prisoners for no reason at all. (Ex 89).

b. For the Defense:

Testimonial evidence was offered in behalf of Asaka, Yoshio, and Takahashi (R 445, Ex D, F, G, I, J, L, M, O).

As to Asaka:

As to Specification 12: Accused testified that he remembered striking Prisoner of War Albert O'Meara once in February 1945. At that time there was plenty of snow on the ground and vegetables had been stored underneath the snow in order to preserve them. Since some of the vegetables were beginning to rot, the prisoners were put to work digging them out from beneath the snow and taking off the rotten leaves and then putting them back in the snow. Accused was watching this work when he saw a prisoner of war trying to eat one of the vegetables. Accused was greatly concerned about the number of diarrhea cases in the camp and felt that he must immediately stop the eating of raw vegetables, some parts of which were undoubtedly rotten. Accused ran to the prisoner of war who was eating the raw vegetables and, without thinking, extended his saber and tried to push the vegetable away from him. Because of the cord attached to his sword, he was unable to extend it fully and it got caught and struck the prisoner's head. At that time the prisoner was wearing a heavy ski cap, and he turned toward accused who shouted to him that what he was doing was no good. The prisoner was surprised and threw the vegetable he had in his hand in front of him and then put both hands to his ears and squatted down. Accused tried to raise him up, but he refused to get up and kept his hands to his ears. Accused then went into the medical office and, as he looked out the window, he saw the prisoner raise his head, look around, get up and resume work (R 581, 582).

As to Specification 13: Accused testified that one evening for the purpose of taking roll call he went to the prisoner of war barracks. After Capt. Fleming had made his report to him, the accused inspected Sgt. Hunt's squad. Sgt. Hunt's eyes were wandering and his fingers were not straight.

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Accused had his saber at his left hip and when he walked it would always swing. He held it down with his left hand and at the same time struck Sgt. Hunt's fingers lightly with the saber (R 579, 582).

As to Specification 15 (1-b): White and Ghilardi were examined by Dr. Sato during sick call and were placed in the work catagory. According to Dr. Sato's examination they did not have dysentery. Three days later Yoshio found White and Ghilardi resting in the barracks (R 468-469). They claimed they had dysentery and Yoshio took them to the dispensary to make a stool test (R 504). Yoshio asked them how many times they had had a bowel movement and they replied that they had not had any bowel movements for the last two days. Yoshio became suspicious and spoke to Lt. Pullen about this and Lt. Pullen said that the men were feigning illness (R 505). Yoshio then told the men to bring their feces and they replied that they were constipated and could not defecate. He then told them to wait until they could defecate and each of them cursed, whereupon Yoshio hit them once. He hit each of them once with the flat of his right hand. He did not dump them on the floor, use judo on them, or kick them (R 469). Accused kept White and Ghilardy standing in the vestibule for three hours (R 470). It was never brought to the attention of Asaka that Yoshio had made White and Ghilardi stand at attention and had beaten them (R 583).

Specification 15 (1-c): Yoshio, who was versed in the art of judo, never used judo on any Prisoners of War at sick call, but one time during milk ration he threw two Prisoners of War by judo for drinking milk rations of other Prisoners of War (R 475). On one other occasion Yoshio threw a Prisoner of War in the snow by judo methods for taking and eating another prisoner's lunch (R 511). There may have been one or two occasions when Yoshio slapped Prisoners of War who were pretending to be sick (R 478).

Asaka had no recollection of ever having received any report that Yoshio slapped Prisoners of War or that he perhaps used judo on them. Asaka never authorized Yoshio to slap or to use judo on Prisoners of War (R 583).

As to Specification 15 (1-h): Maj. Fleming, recognized as senior line officer among the prisoners, knew Alfred W. Cook but did not recall any mistreatment, abuse or beatings of Cook (R 14, 39). The Prisoners of War Camp had no permanent personnel by the name of Sato. If one was in the camp he must have been a guard. Asaka never received a report of any incident where a Pvt. Sato beat Prisoners of War and had them stand at attention with a log on their shoulders (R 585).

As to Specification 15 (1-i): Yoshio testified that he did not hit Crown and the four other Prisoners of War with his saber and did not order them to stand at attention. These prisoners were made to stand by the military guards. The story Yoshio heard from the Prisoners of War later was that they were returning from sick call and that when they passed these guards they saluted them. The salutes did not suit the guards so they made them stand there. After the Prisoners of War had told Yoshio why they were standing at attention, he asked them whether they had had their lunch. When they told him that they had not eaten, Yoshio took them to the mess hall and had them fed. Yoshio then went to the guardhouse and complained to the guard chief and told him never to let that happen again (R 471, 472).

As to Specification 15 (1-k), (2-b), (2-g), (2-k), (2-o), (2-p), (2-u), (2-v), (3-a), (3-b), (3-c), (3-e), (3-g), (3-m), (3-o): The camp guard unit was composed of one soldier from each company of the home regiment. The members of this unit did not know each other, and there was a great difference in their character and education. When the guards got used to Asaka's orders, they were transferred. The camp guards were changed every month. Asaka could not punish a guard who committed an offense in his camp.

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In such a case he would send a report to the offender's unit commander. On three occasions Asaka went to the Akita Regiment personally to make a personal report (R 583, 584).

It is true that guards at the camp beat Prisoners of War and that Asaka received reports from Sgt. Takahashi about these incidents. Asaka, however, firmly believes that there were no such incidents as described in the charges and specifications; that is, beating Prisoners of War with guns and making them stand in the snow for hours. Asaka received no such reports and is firmly convinced that they did not occur. On receipt of reports Asaka's investigations revealed that most of these incidents were slappings of Prisoners of War, and hitting with fists and such incidents were reported to the regiment from which the guards came (R 596).

Asaka never saw a guard strike a Prisoner of War. Col. Walker, senior American officer, never reported any incident of guards harassing Prisoners of War (R 585).

As to Specification 15 (1-q): Yoshio did not recall a Prisoner of War by the name of Gartman. During the month of February 1945, Dr. Golenternek, an American medical officer, was in charge of sick call assisted by American medical orderlies. No Japanese personnel participated (R 474, 475).

As to Specification 15 (1-u): Asaka had never authorized Takahashi to administer corporal punishment to Prisoners of War. No report was ever received by Asaka that Takahashi had beaten Dudley (R 585).

As to Specification 15 (2-e): Asaka never authorized Yoshio to use judo on Prisoners of War, and he was never aware of the fact that perhaps Yoshio did use judo on the Prisoners of War (R 583).

As to Specification 15 (2-r): In February 1945, Takahashi caught O'Meara in the act of taking some vegetables from in front of the storehouse and beat him with his open hand and threw him in the snow by using judo. O'Meara was not stealing salt but was taking some Chinese greens. (R 531, 548).

As to Specification 15 (3-c): Sharp, the victim of the beating, had no knowledge that anyone else saw the beating and he did not believe accused knew of this (Ex 111).

As to Specification 15 (3-h): Toward the end of November, Yoshio was duty non-commissioned officer at the camp. A mine squad returned to the camp about 1600 or 1630 hours. Yoshio took roll call of this squad and noticed that one member of the squad had a swollen face. A Japanese guard told Yoshio that the Prisoners of War had been fighting among themselves over a cigarette. Yoshio, with his open hand, slapped Telendo once because he had fought with a fellow Prisoner of War and had struck him hard enough to injure him. Yoshio did this to deter Prisoners of War from fighting among themselves (R 476, 477, 511, 512).

As to Specification 15 (3-j): Yoshio could not recall Anton F. Urban and did not remember striking him with a club. Yoshio had absolutely no recollection of striking a man with a stick because he had burned a hole in his trousers by leaving them over a hot stove pipe (R 478).

As to Specification 15 (3-k): Yoshio never hit Capt. Fleming (R 478, 512).

As to Specification 15 (3-n): At about 0900 hours on 20 March 1945, the Japanese guards who had just checked the fire equipment reported to Takahashi that one ladder was missing. Takahashi called Col. Walker to his office and told him to conduct an investigation. Fifteen minutes later Capt. Fleming reported to Takahashi that he had gathered the burned remains of this ladder and that eight Prisoners of War had been assembled in the area between

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the kitchen and the Prisoner of War barracks. Takahashi questioned each of the Prisoners of War as to why they had broken the ladder, and most of them replied that they had burned the ladder because it was cold and there was a lack of fire wood. Van Alman and Sergeant, however, told Takahashi that it was none of his business why they burned the ladder. At this Takahashi became furious and threw them in the snow by using judo. Takahashi reported to the branch camp commandant and asked him what measures he should take. He also told the camp commandant that he had punished two of the Prisoners of War. When Takahashi returned to these eight Prisoners of War, he found that they had been beaten by the guards, and he stopped further beating by the guards. He then took the Prisoners of War in front of the guardhouse where, on the branch camp commandant's orders, he made them take off their shoes and overcoats and then put them in the guardhouse. Takahashi would sneak the Prisoners of War their overcoats at night and would take them away in the morning when the branch camp commandant came back into camp. Takahashi asked the branch camp commandant to release them and after three days time in the guardhouse they were released by the branch camp commandant. Several of the men were suffering from frostbite and exposure (R 525-527, Ex 1-A).

As to Yoshio:

As to Specification 2: See As to Asaka, Specification 15 (1-b).

As to Specification 3: See As to Asaka, Specification 15 (1-i).

As to Specification 5: See As to Asaka, Specification 15 (1-q).

As to Specification 6: See As to Asaka, Specification 15 (3-h).

As to Specification 7: See As to Asaka, Specification 15 (3-j).

As to Specification 8: See As to Asaka, Specification 15 (3-k).

As to Specification 9: Sometime in February a guard group leader came to Yoshio and showed him a nude drawing he had caught one of his guards mailing. Ghilardi, who was then confined in the sick bay, admitted to Yoshio that he had drawn the nude for a guard in exchange for cigarettes. The guard confirmed Ghilardi's story. Yoshio then admonished the guard and hit him. At that time Ghilardi sat up in his bed, and Yoshio struck Ghilardi's buttock once with a shinai (R 479).

As to Specification 10: Yoshio did not at any time during sick call use judo on any Prisoners of War (R 475). There may have been one or two occasions when Yoshio slapped Prisoners of War who were pretending to be sick (R 478). Yoshio only used judo on Prisoners of War on two occasions (R 510, 511). Yoshio could not remember ever having struck Prisoners of War for refusing to go to work (R 513).

As to Takahashi:

As to Specification 1: See evidence for the Defense as to Asaka, Specification 15 (3-n) above.

As to Specification 3: An American Prisoner of War who was orderly for Jap. personnel at the camp could not recall Takahashi's ever beating or causing to be beaten any of the Prisoners of War alleged in this specification (Ex 3). Also see evidence for the Defense as to Asaka Specification 15 (2-r) above.

As to Yonemura:

As to Specification 1: Pope was in charge of the electrical section of the second squad of the machine works. One day at the factory Yonemura saw Pope mischievously sneaking up behind Prisoners of War and shouting in a loud voice and poking a piece of wire in the backs of the Prisoners of

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War thus scaring them. Yonemura cautioned Pope that such mischief was dangerous in the factory and might result in injuries to other Prisoners of War. Yonemura told him he must stop his playfulness and raised his cane. Pope raised his arm and as Yonemura lowered his cane it struck Pope's arm. Yonemura struck Pope once (R 356-357).

As to Specification 2: While returning from work one day, Yonemura was trying to get to the head of the column of Prisoners of War when Jarrett said, "Son of a bitch," and Yonemura hit Jarrett once on his shoulders with a cane. He did not hit Jarrett on the head and Jarrett did not fall when struck (R 358, 364).

As to Specification 3: Yonemura did not remember a Prisoner by the name of Lawler and did not know Lawler's number. Yonemura did not know that he was ever involved in a striking incident with a Prisoner of War by the name of Lawler (R 359).

As to Specification 4: One day in early May 1945, after the Prisoners of War had finished their work in the mine, they proceeded to return to camp. After they had gone about 200 meters, Tanaka from the cast iron foundry caught up with Yonemura and told him that one of the Prisoners of War had a wooden mold used at the cast iron foundry. The Prisoner of War stated that the mold was given to him by Mr. Mudo from the foundry. Mr. Mudo denied giving the mold and stated the Prisoner of War had taken it. The Prisoner of War was told what Mr. Mudo had said, and the Prisoner of War then stated that the wooden mold had been lying around for a week and was not being used so he decided to take it. Yonemura told him he was not supposed to do such a thing, and he hit the wooden mold with his cane. When Yonemura hit the wooden mold, the corner of the mold struck the prisoner's ear and it started to bleed. Yonemura did not intend to strike the Prisoner of War but just meant to hit the wooden mold. Yonemura applied some Mercurochrome to the ear and gave the Prisoner of War a handkerchief which he held on his ear till they returned to camp where a medical orderly looked after him. The Prisoner of War was absent from work for two or three days. He wore a bandage the first day he came to work. After that he had gauze taped over his ear for about a week. After the gauze was removed from the ear, there was a scar about one millimeter deep and three millimeters long (R 360, 361).

As to Specification 5: Yonemura did not strike any Prisoners of War with the stick he carried other than Pope, Jarrett, Lawler, and Traino. There were no other incidents where Yonemura either struck or slapped Prisoners of War (R 362).

4. Opinion:

As to Asaka:

The only evidence in support of Specification 15 (2-k) is an affidavit of the alleged victim, Herbert F. Markland, the pertinent parts of which are as follows:

"3. I have personal knowledge of killings, tortures, beatings, other cruelties (including starvation) or improper punishments as indicated:

Name of victim	Date	Place	Japanese perpetrator
MARKLAND	JAN 2:45	SANDI-8	BIG NEGER

Believe he means Sendai
6-B. /s/ R.D.P.

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PROSECUTION EXHIBIT 125

(Top of next page)

Name of victim	Date	Place	Japanese perpetrator
AICORN	Aug 14:45	SANDI 8B	CIV. Q. M.
SERGEANT	March 45	SANDI 8B	Lt. OSAKA
Van ALLMAN	Dec 44	SANDI 8B	Lt. Osaka

Brief description of each atrocity:

1. Beaten in the face with club. 2. Beaten in the face with belt.
3. Anh feet frozen in guard house"

An ambiguity appears on the face of the Exhibit in that it is not clear to which victim the description of the atrocity "1. Beaten in the face with club." applies. The name of one victim appears at the bottom of page one of the affidavit. The names of three victims appear at the top of page two of the affidavit followed by the description of only three atrocities. The first described atrocity may be interpreted to apply either to the victim named on page one or to the first of three victims named on page two. Such ambiguous evidence is legally insufficient to support a finding of guilty of the offense alleged.

Furthermore, Kenichi Ogihara, Japanese soldier guard at Hanawa Camp nicknamed "Nigger" was found Not Guilty of beating Herbert F. Markland, American Prisoner of War, between the dates 15 November 1944 and 15 January 1945 (Ogihara Case #273).

As to Yonemura, Specification 3, the only evidence of record pertaining to the offenses alleged in this specification is an affidavit which describes a beating performed by a Japanese civilian guard called "The Rat" (Ex 120). The legal sufficiency of this evidence is dependent upon whether or not Yonemura can be identified as "The Rat" (R 180).

The only evidence of record identifying Yonemura as "The Rat," is the affidavit of a former Prisoner of War who stated he knew Yonemura or the Rat very well (Ex 93).

The weight of the Prosecution's evidence, however, indicates that Yonemura was not "The Rat". Tanaka was a civilian guard whom the Prisoners of War called "The Rat" (Ex 75). Tanaka and Yonemura were both in charge of the same machine shop (Ex 117). "The Weasel" and "The Rat" were nicknames of two civilian guards in the mines who beat prisoners for no reason at all (Ex 89). Maj. Fleming, former senior line officer among Prisoners of War at Hanawa, and Mr. Canfield, former Prisoner of War at Hanawa, both identified accused Yonemura at the trial and testified that Yonemura was better known to the Prisoners as the "Weasel" (R 41, 382). Pope, American Prisoner of War, victim of the beating alleged in Specification 1, gave in his affidavit a very detailed description of Yonemura in which he averred that Yonemura was nicknamed "The Weasel" (Ex 97). The weight and credibility of such evidence clearly establishes the fact that Yonemura was known as "The Weasel" and was not known as "The Rat".

The evidence is, therefore, legally insufficient to support the finding of guilty of Specification 3.

With the exception of Specification 15 (2-k) as to Asaka and Specification 3 as to Yonemura, the record is legally sufficient to support the findings of the commission. The commission was constituted by proper authority and had jurisdiction over each of the accused and of the offenses

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charged. There is no evidence that any one of the four convicted accused was not sane at the time of the commission of the alleged acts or at the time of the trial. The accused were given a fair trial and were ably defended. No ruling of the commission is deemed to have affected adversely the substantial rights of the accused.

5. Recommendations:

As to Asaka: It is recommended that the finding of guilty of the Charge be approved and that the findings of guilty of all Specifications be approved, except of Specification 15 (2-k), which finding should be disapproved Clemency petitions and defense motion for modification of sentence have been considered by the reviewer. The accused was sentenced to confinement at hard labor for twelve (12) years. The sentence is legal and is not considered excessive. It is recommended that the sentence be approved. It is further recommended that owing to the length of time the accused has been in confinement prior to the date of sentence, thirteen (13) months of the sentence be remitted.

As to Takahashi: It is recommended that the findings of guilty of the Charge and Specifications be approved. Clemency petitions have been considered by the reviewer. The accused was sentenced to confinement at hard labor for one (1) year. The sentence is legal and is not considered excessive. It is recommended that the sentence be approved. Information indicates that the accused has undergone the punishment imposed by the commission and has been released from confinement.

As to Yoshio: It is recommended that the findings of guilty of the Charge and all Specifications be approved. Clemency petitions and defense motion for modification of sentence have been considered by the reviewer. The accused was sentenced to confinement at hard labor for fifteen (15) years. The sentence is legal and is not considered excessive. It is recommended that the sentence be approved. It is further recommended that owing to the length of time the accused has been in confinement prior to the date of sentence, eleven (11) months of the sentence be remitted.

As to Yonemura: It is recommended that the finding of guilty of the Charge be approved and that the findings of guilty of all Specifications be approved except of Specification 3, which finding should be disapproved. Clemency petitions have been considered by the reviewer. The accused was sentenced to confinement at hard labor for ten (10) years. The sentence is legal. Since the evidence is legally insufficient to support a finding of guilty of Specification 3, it is recommended that twenty-four (24) months of the sentence be remitted. It is further recommended that, owing to the length of time accused has been in confinement prior to the date of sentence, an additional twelve (12) months of the sentence be remitted. As thus modified it is recommended that the sentence be approved.

6. Action:

Forms of actions designed to carry into effect the above recommendations are hereto attached.

THOMAS J. HENDERSON
Major JAGC
Judge Advocate Section

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I concur in general (cf. US v Yamamoto, Case Docket #57, US v Hirata, Case Docket #39, US v Sano, Case Docket #99).

It is considered that Asaka's sentence is lenient in the light of his proper conviction of many allegations of mistreatments by those under his command. He was the example and by his own actions laid out the pattern for his subordinates.

As to Yonemura, even though Specification 3, should be disapproved as not supported by the evidence, the sentence is still not excessive since Specification 5 includes many cruel beatings of Prisoners of War. Disapproval of the finding of Specification 3g and approval of the sentence of ten (10) years' confinement at hard labor are recommended.

Motion for modification filed by defense and briefs supplied by both sides have been carefully studied.

An alternate action to implement the recommendations herein is attached.

ALLAN R. BROWNE
Lt Colonel JAGC
Army Judge Advocate

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